CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.476
7 July 1970
ENGLISH

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FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND SEVENTY-SIXTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 7 July 1970, at 10.30 a.m.

Chairman: Mr. A.A. ROSHCHIN (USSR)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430).

GE.70-14615
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PRESENT AT THE TABLE

Argentina:	Mr. C. ORTIZ de ROZAS
	Mr. A.F. DUMONT
	Mr. V.E. BERASATEGUI
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Bulgaria:	Mr. I. PEINIRDJIEV
Burma:	U CHIT MYAING
	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
	Mr. R.E. MOORE
Czechoslovakia:	Mr. M. VEJVODA
	Mr. J. STRUCKA
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	Mr. F.L. OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA

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	Mr. T. SENGOKU
	Mr. T. OSA
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	Mr. M. VUKOVIC
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN
Under-Secretary-General for Political and Security Council Affairs:	Mr. L. KUTAKOV

1. The CHAIRMAN (Union of Soviet Socialist Republics) (translation from Russian): I declare open the 476th plenary meeting of the Conference of the Committee on Disarmament.

2. Mr. VEJVODA (Czechoslovakia): First of all let me join all the speakers who, at our last meeting, welcomed to our midst Mr. Leonid Kutakov, the Under-Secretary-General of the United Nations. We all know that our Committee is not the only international organ which is involved in disarmament negotiations. Disarmament is one of the main items on the agenda of the General Assembly each year and the greatest part of the work of its First Committee is devoted to it. The Secretary-General regularly gives great attention to disarmament issues in his annual report and the introduction to it. The Department which helps him in drafting the annual report and considering various initiatives in the disarmament field is the Department for Political and Security Council Affairs, which is headed by Mr. Kutakov. In his presence here we see the unceasing interest of the Secretary-General in disarmament and in the work of our Committee.

3. Like other delegations, we have made full use of the recess for a comprehensive and thorough examination of the revised text of the draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed (CCD/269/Rev.2), to which we should like to devote our intervention today.

4. In our study of the draft treaty we proceeded not only from the text itself but also from the explanations given to us by the co-Chairmen during the presentation of the draft on 23 April (CCD/PV.467). At the same time due attention has been paid by us to the comments on, and proposals for alterations of, the previous texts (CCD/269 and CCD/269/Rev.1) of that draft treaty made by individual countries not only in this Committee but also at the United Nations during the twenty-fourth session of the General Assembly, and on other occasions as well. We have also considered the draft from the point of view of the political and military situation in the world as well as from that of the increasing danger of the possibility that the direct practical seizure of the sea-bed and the ocean floor for military purposes will be made ever easier by the advancement of science and technology.

(Mr. Vejvoda, Czechoslovakia)

5. That last aspect, whether we like it or not, makes it urgent for us to adopt speedily effective measures to prevent the possible extension of an arms race to the vast areas of the sea-bed and the ocean floor, especially in the field of nuclear weapons and other weapons of mass destruction. By the adoption of the proposed treaty mankind would take a big though only a first step towards the complete demilitarization of the sea-bed and the ocean floor. This would mean a victory for the idea of the preservation of peace in the whole world and for the tendency towards the gradual relaxation of international tension, as well as a victory for the efforts of mankind to promote and strengthen peace and friendly relations among all the countries of the world. It is therefore necessary to view the draft treaty as an important instrument in the endeavours of nations to achieve a relaxation of international tension.

6. Judging the draft as a whole, we consider it to be a document which takes account to the maximum extent of the positions of a wide range of States. It might be remembered that Argentina, in co-operation with other delegations, made a significant contribution to the formulation of articles I, II and IV. Other delegations contributed to the final wording of article III. Authorship of article VIII has already been rightly attributed to Mexico by some delegations here, and the co-operation of almost all the delegations in our Committee is reflected in the provisions of the remaining articles of the draft treaty. The official sponsors of the draft treaty, our co-Chairmen, succeeded in complying with the wishes of individual delegations to such an extent that the document submitted can be looked upon as the common work of the Committee.

7. It was not possible, of course, to include in it every suggestion, however well-intended. In this respect there exist here certain concrete limits. After all, it would not be realistic, especially as far as multilateral international treaties are concerned, to demand that they should correspond in every respect to the views of all participants. We know also from our own experience that many treaties adopted in the past, though not satisfactory to every single delegation which participated in their drafting, have successfully stood the test of time. One such treaty quite recently celebrated the forty-fifth anniversary of its birth.

(Mr. Vejvoda, Czechoslovakia)

8. Therefore, in the view of the Czechoslovak delegation, when one examines the draft treaty submitted, it is necessary to realize what is decisive in it and what is the main objective of the measures envisaged by it. It is also most desirable that the treaty should not try to solve problems which do not correspond fully with its objectives and which we know all too well are too complicated and would endanger its adoption.

9. In the light of those fundamental criteria we consider the draft treaty submitted to be an important step towards the objective we have been pursuing in our deliberations on this subject from the very beginning. Most important in this respect are the provisions of articles I and II, determining the main obligations of the parties to the treaty as well as the zone within which these provisions should be observed. We should like to express our satisfaction that the text of the two articles is now clearly and unambiguously formulated.

10. Most of the comments and proposals for alterations put forward by individual delegations have been directed to the question of control, that is, article III of the draft treaty. As we have already recalled, the provision of article III of the new draft of the treaty is based on suggestions from many delegations. For instance, there has been incorporated in it the provision, supported also by the Czechoslovak delegation, under which the request for securing the necessary co-operation concerning the assertion of the right of control by all States parties can be directed to the Security Council. In this connexion we welcome the explanation of the sponsors of the draft treaty to the effect that each party to the treaty will have the right to approach the Security Council directly, irrespective of whether or not it had availed itself of the possibility of consultation.

11. We should like now to touch upon some remarks made at our most recent meetings. How difficult it was for the sponsors of the draft treaty to take all suggestions into account can be seen from the following example. The representative of Brazil, Mr. Saraiva Guerreiro, said on 25 June:

> "If the intention of the co-sponsors is to avoid any innovation in the law of the seas, it seems that there is no need for including in paragraph 1 of article III a reference to freedom of the high seas, or perhaps no need for paragraph 1 of article III at all." (CCD/PV.473, para.78).

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But the co-Chairmen amended the original draft by the use of the words "including the freedoms of the high seas", on the basis of suggestions made by some delegations at the twenty-fourth session of the General Assembly. With that addition the text of the paragraph under consideration is acceptable to most of the delegations in the Committee. The representative of Sweden, Mr. Edelstam, in his intervention on 25 June said, when referring to this -- though in another context:

> "Such a provision could, in our opinion, not be judged as an infringement of the principle of the freedoms of the high seas, expressly referred to in the first paragraph of the same article." (Ibid., para.54)

From some other examples, too, we can see that some suggestions, though essentially well-intended, are not necessarily acceptable to other participants in the deliberations.

12. In connexion with article III, concerning control, as early as the spring of last year a number of delegations proposed that verification could be carried out also through an appropriate international agency. We have very high esteem for the work of the present international agencies and secretariats, but it seems to us that all too often we hear suggestions that this or that problem should be solved by the setting up of some international body. Is there any need for that in the present case? Does such a situation really prevail in the world that parties to a treaty must have a permanent arbiter to keep an eye on compliance with the treaty? Let us look at the problems that usually arise in connexion with the establishment of any international body.

13. First, there is the question of its composition. Countries parties to the treaty would like to have an absolute guarantee -- and they are fully entitled to one -- that they would be adequately represented in such a body. In addition, countries which are not Members of the United Nations could also adhere to the treaty. Those countries too would like to be represented in that body, and should of course be represented.

14. There are other questions which arise. Could it be expected that complaints regarding violations of the treaty would be coming in every day and that the agency or secretariat would therefore be busy all the time? In our opinion, there is no one here who would expect that the treaty under consideration would give rise to frequent problems. We know of cases where, very often, the so-called Parkinson's Law operates. If we do set up an organ, it will find work to do and will feel it

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necessary to justify its importance, and it will continue to grow. We are, of course, speaking only theoretically, but let us admit that this happens on the national as well as the international scale.

15. In the specific case of the treaty we are now discussing, the international secretariat would have to be technically well equipped in order to be able to carry out the controls. It would need to have technical personnel and equipment requiring continuous modernization, which is very expensive. Furthermore, all the nuclear Powers which, we hope, would become parties to the Treaty and would be obliged to provide all assistance for the purposes of control, possess all that is needed in that respect. Some may say that an international secretariat or agency would not need all this, and that, should it prove necessary, it might ask some nuclear Power to lend its instruments and technical personnel. But that could be done by the Security Council if the consultations between States should prove ineffective.

16. Closely connected with this is the problem of whether there should be mention in the treaty of some role for the Secretary-General. If he is to serve only as a "letter-box", as some delegations suggest, then reference to him in the text of the treaty is quite unnecessary; the role of the arbiter would then be performed by the Security Council, as the text of the treaty clearly specifies. Finally, an international body formally headed by the Secretary-General would, as we have already shown, be unnecessary. The duties of the Secretary-General are laid down in Article 97 of the Charter and he has his position in the Security Council under Articles 98 and 99 of the Charter. It is unnecessary, therefore, to make any special reference to the role of the Secretary-General in the treaty under consideration. It is also unnecessary to deal with the detailed determination of the role of the Security Council. The Security Council itself would certainly consider in good time all the duties that would be incumbent upon it as a result of the entry into force of the treaty, as it did in the case of the Treaty on the Non-Proliferation of Nuclear Weapons (ENDC/226*).

17. There is another question which we should like to mention. The opinion has been expressed here that some future international machinery for the exploration and exploitation of the sea-bed could be linked to the verification of the treaty we are now considering. In our opinion, problems connected with the demilitarization of the sea-bed cannot be combined with problems concerning its peaceful exploitation. The nature of the former is quite different from that of the latter, and countries will proceed to the solution of these problems from completely different positions. As is known, disputes in military affairs, when the security of nations may be involved, are of quite a different sort from those in which essentially only economic matters are involved. Let us leave to everyone what is his.

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18. As for articles IV and VIII, the Czechoslovak delegation expresses its full support for both.

19. Many delegations have dealt also with the third paragraph of the preamble. The Czechoslovak delegation has fully expressed its position on that paragraph in previous statements, and our position has not changed.

20. Finally, we should like to say a few words concerning suggestions and proposals for alterations, amendments or changes of the text of the draft treaty which have been made, certainly in good faith, by some delegations. We know full well how difficult it is to make the slightest change. The co-Chairmen, as well as most other members of the Committee, have to set in motion, before any alteration is made, rather complicated machinery whose operation is usually lengthy and time-consuming. Would it pay to waste another year only in order to carry out several alterations to the draft, after which, I am sure, demands would emerge for further alterations, since no treaty can at the time of its formulation fully and perfectly meet all suggestions and views?

21. It is only right that the Committee should approach this task with the responsibility and thoroughness so characteristic of its work. The existing situation is favourable for the conclusion of the treaty, and if we lose much time the situation may change to such an extent that the treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed may come too late. In saying that, we do not wish to imply that all suggestions and remarks made here would be completely wasted. The draft treaty states in its article VI that a conference of participating countries shall be convened five years from the date on which the treaty enters into force, in order to consider how the provisions of the treaty and the objectives laid down in the preamble are being observed. It would be far better to adopt the treaty with its present wording and to gather experience while it is in operation. On the basis of all such experience it would then be possible to return to all the suggestions recorded in the proceedings of our Committee and to consider them in the light of that experience, and to consider also all other problems which practice might reveal and which we might not foresee in our speculations and thinking. We are therefore of the opinion that it would be better to have a treaty operating for the next five years, even though some may not be quite satisfied with every word of it, and to verify how it functions in practice, than to delay the adoption of a treaty for another year, or for some years, by putting forward more and more new suggestions and amendments.

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22. Judging the draft treaty from the point of view of international law, as well as from the point of view of our internal legislation, the Czechoslovak delegation considers it to be a document which deserves the full support of our Committee as a whole, and joins those delegations which consider the draft as it now stands as sufficiently comprehensive and fully acceptable.

23. In conclusion, may I be permitted to offer our all-round co-operation to the new representatives in the Committee; the leader of the Bulgarian delegation, Ambassador Petrov, and the leader of the Japanese delegation, Ambassador Tanaka, whom we welcome to our circle. We are also glad to see among us again after a short absence Ambassador Erdembileg of the Mongolian People's Republic and Ambassador Castañeda of Mexico.

24. Mr. CASTANEDA (Mexico) (translation from Spanish): First of all, as other delegations have done, I should like to express our satisfaction at seeing new representatives among us. I am referring especially to Ambassador Petrov of Bulgaria -- although he is not here today -- to Ambassador Tanaka of Japan and Ambassador Saraiva Guerreiro of Brazil. At the same time I avail myself of this opportunity to express thanks to all those representatives who on previous occasions have been kind enough to welcome me and my colleagues.

25. Today I wish to refer to the new draft treaty on the prohibition of the emplacement of nuclear weapons on the sea-bed and the ocean floor (CCD/269/Rev.2) submitted jointly by the United States and the Soviet Union on 23 April. On this occasion I shall consider certain general aspects of the treaty, including the scope of its prohibition; and in a subsequent statement I shall analyse some of its provisions in detail.

26. When the negotiation of the treaty began last year, all the members of the Committee on Disarmament except the United States and the United Kingdom showed their clear preference for a treaty which would promote the total demilitarization of the sea-bed and the ocean floor rather than one which would only prohibit the employment of nuclear weapons. A multitude of reasons were advanced, some of which appeared to be almost axiomatic, to explain why that domain, hitherto free of armaments, should remain completely demilitarized. Of course the need was recognized for States to be able to emplace on the sea-bed or the ocean floor certain devices -- such as sonar devices to detect submarines -- which have only an indirect and passive military character. However, apart from those logical exceptions, a very large majority of the members of the Committee were in favour of demilitarization and not of mere denuclearization of the sea-bed and ocean floor.

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27. Shortly thereafter — in October last year — the United States and the Soviet Union submitted jointly a first draft treaty (CCD/269). That draft was a profound disappointment to us, since by prohibiting only the emplacement of nuclear weapons it indirectly but indubitably permitted the general militarization of the sea-bed and the ocean floor. I assume that it was also a disappointment to many States which before this agreement had repeatedly and categorically stated that a partial treaty such as this appeared to them unsatisfactory.

28. We have thoroughly examined the arguments adduced in justification of a treaty providing only for the denuclearization of the sea-bed. With all due respect but quite candidly, we confess that we find such arguments hardly persuasive and even contradictory. It has been said that because of enormous technical difficulties and high costs the emplacement of conventional weapons on the sea-bed is inconceivable, so that in practice it matters little whether they are prohibited or not. But if that is the case, what difficulty is there in prohibiting the emplacement of all weapons? Perhaps today it may not be profitable to emplace conventional weapons on the sea-bed or the ocean floor, but at some time in the future it very probably will be, as technology develops and progresses. We fail to understand why, if the matter is indeed of minor importance, the wishes of the large majority of States are not met.

29. On the other hand, it has been argued that conventional weapons could not be prohibited because of the enormous difficulties of verifying and controlling compliance with the prohibition. Furthermore, it has been asserted that violation of the treaty by one State would engender serious risks for the others. If that is true, we should have to agree that prohibition of the emplacement of such weapons is indeed important and by no means negligible. Thus this second argument, which also is often adduced, contradicts the first.

30. In the third place, the need is adduced, owing to the existence of submarine fleets, to instal on the ocean floor devices such as sonar and other listening and monitoring instruments. That justified need can be readily recognized. During last year's debates we proposed, together with others, a perfectly feasible solution: that the general principle of prohibition of the emplacement of all kinds of weapons on the sea-bed and the ocean floor should be enacted, and that in the following article we should either define succinctly or enumerate the devices and activities which should not be deemed to be included in the general prohibition because they were not weapons

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or because they had a purely indirect or passive military character. It did not seem improbable that the two States mainly concerned might agree together on that list or definition, and that after five years the conference to review the treaty might re-examine the situation. I venture to observe that neither in last year's debates in the Committee on Disarmament, nor in the General Assembly, nor in the debates here this year, have we heard a single reply to that suggestion -- submitted in good faith by several States for the purpose of finding a solution satisfactory to all -- that would explain why it is unacceptable.

31. The fourth reason adduced is that in the last analysis a partial treaty of mere denuclearization is only a first step; and it is added that expansion of the treaty can be proposed at any time, particularly in the review conference. But if that is true, and if in fact there is no intention to close the door for ever to a more comprehensive prohibition of the emplacement of all kinds of weapons on the sea-bed or the ocean floor, frankly we do not understand why the two great Powers refuse to assume at least the obligation to continue to negotiate in future the expansion of the scope of the treaty. Those two positions also appear to us contradictory.

32. Of course, there is always the supreme argument that the best is the enemy of the good and that a limited and partial treaty is better than no treaty at all. However, if that reason is to be convincing and persuasive, then we have to overlook altogether that the exclusive prohibition of the emplacement of nuclear weapons is tantamount to permitting -- I would even say, to encouraging -- a non-nuclear armaments race in a domain that has hitherto been free from these. It can be foreseen -- as historical experience clearly shows -- that this permission, no less clear because implied, points to the principle of competition, not only between the great Powers but also between middle-sized countries, to use the sea-bed and the ocean floor for non-nuclear military purposes. Total prohibition, on the other hand, would undoubtedly put an end to that competition.

33. In fact, prohibition of the emplacement of only nuclear weapons on the sea-bed or the ocean floor would in practice mean nothing to the huge majority of non-nuclear States: first because they cannot emplace what they do not possess; and secondly because many of them have undertaken and others will undertake in the future, under the Treaty on the Non-Proliferation of Nuclear Weapons (ENDC/226*), never to possess them. Thus the present treaty would prevent them from doing something which in any

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event they could not do, either physically or legally. In truth, the prohibitions contained in this draft treaty are not directed at the huge majority of non-nuclear States. This instrument, by its very nature, is not a true multilateral treaty but a bilateral or at most a trilateral treaty.

34. It is true that in principle there would be no objection to associating ourselves with the partial prohibition that the United States, the Soviet Union and the United Kingdom are imposing on themselves; except that in doing so we should be contributing to frank authorization of the non-nuclear militarization of the sea-bed and the ocean floor. The United Nations General Assembly has already declared categorically that the resources of the sea-bed and the ocean floor may be exploited beyond national jurisdiction only for peaceful purposes. What happens, I ask, to the principle of exploitation of resources for peaceful purposes in face of the implied authority given by the new treaty for the military use of the sea-bed and the ocean floor? Have we already renounced that principle? Are we prepared to derogate from it?

35. I know full well that it is vain to aspire to ideal and perfect solutions, and that we must not disregard international realities or avoid their consequences. We are fully aware also that an agreement between the United States and the Soviet Union on a matter of paramount importance such as this is an international reality of the first magnitude which its weight imposes on all the members of the world community. We recognize that reality, but do not thereby accept it as good. That is not our responsibility. All States, or at least all groups of States in the Committee on Disarmament have different functions to fulfil. It is the duty of the two greatest Powers to seek the point at which their interests converge, which means to show realism. On us small and medium-sized Powers, especially in the group of twelve non-aligned countries in the Committee on Disarmament, devolves rather the task of considering whether the proposals coincide with the interests of the majority of States -- in other words, of the international community as a whole. If we do not discharge that function for the sake of political realism, we shall fail to carry out the task which specifically devolves on us in the Committee on Disarmament and gives meaning to our participation in it. For that reason we feel it our duty to underline the risks which the draft treaty entails for the international community, apart from the fact that it is an agreement between the two Powers capable of using the sea-bed and the ocean floor for military purposes and as such means something positive.

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36. We shall endeavour, then, to shape our course between those two extremes. Without disregarding the importance of the agreement arrived at between the Soviet Union and the United States, we shall attempt to suggest the smallest changes in the draft treaty which seem to us compatible with the interests of the many non-nuclear States. The best and most logical way of achieving that purpose would, of course, be to revert to the initial idea of the large majority of the members of the Committee — in other words, total demilitarization. We realize, however, that the agreement arrived at makes this impossible; and so we shall not propose it. However, although we cannot yet agree on the total demilitarization of the sea-bed and the ocean floor, at least we ask for a formal declaration that the mere denuclearization which has been agreed so far is in fact but a first step, is only temporary, and that the two great Powers will continue to negotiate in good faith with a view to agreeing eventually on a more complete demilitarization of the sea-bed and the ocean floor.

37. We are not proposing, of course, that they should assume the obligation to agree; no one can be compelled to do that. But we ask them to assume the obligation to attempt in all seriousness to do so. It is not a very heavy obligation; it is a limited one. But at least it must be clearly and categorically stated in an article, as it was in the Treaty on the Non-Proliferation of Nuclear Weapons of 1968. It is not enough to hint at that obligation in more or less ambiguous terminology in the preamble. If there is the intention to comply, then there is no reason why anyone should oppose its insertion in a legal provision of the treaty. If there is no intention to undertake such negotiations, then it is almost pointless to refer in the preamble to the good will which inspires the great Powers. Sweden has proposed a concrete formula giving effect to this concept which appears to us fully satisfactory. For the present it would be idle for me to go into further detail.

38. Another indispensable amendment would provide to the largest degree possible for concerted international, especially multilateral, action to strengthen the control and inspection machinery of the treaty. The co-Chairmen incorporated in their second version part of the Canadian proposals, but omitted the reference to the good offices of the Secretary-General of the United Nations. It appears to me desirable to provide for action by United Nations bodies as necessary, through some perhaps rather more general form of words. My delegation was not entirely satisfied with the reference to the "good offices" of the Secretary-General. The expression "good offices" has a technical connotation in international law: it is a means for the peaceful settlement of disputes. But what we are seeking is not always action by the Secretary-General for the settlement

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of an actual dispute, but rather that this officer shall assist a State which lacks the means to carry out by itself a costly and difficult inspection when a suspicious event has occurred on its coast. It would therefore be preferable to refer in more general terms to the action of United Nations bodies, which would include action both by the Secretary-General — whether good offices or not — and by the Security Council under article III of the treaty.

39. As I have said earlier, I shall analyse in detail in a subsequent statement some of the provisions of the treaty.

40. Mr. KHALLAF (United Arab Republic): I should like to begin my statement by expressing our pleasure at welcoming among us Ambassador Tanaka of Japan and Ambassador Petrov of Bulgaria, and also at welcoming back Ambassador Erdembileg of Mongolia and Ambassador Castañeda of Mexico, whose distinguished contribution is greatly appreciated by all of us. I wish also to express our pleasure at the presence of Mr. Kutakov, the United Nations Under-Secretary-General for Political and Security Council Affairs.

41. Among the various important and urgent topics on our agenda the sea-bed treaty is obviously the ripest for immediate action. It would be both advisable and opportune for us to seize the momentum and push forward with our work so as to be able to fulfil the mandate given to us by the General Assembly and to submit to it at its next session a draft treaty capable of enlisting the widest possible support. This would also clear the way for the Conference to concentrate on other, and perhaps more complex and fundamental, measures of arms control and disarmament.

42. Through the successive stages of the joint effort of the co-Chairmen in presenting a draft treaty on the sea-bed we have become convinced that the ultimate success of this endeavour will depend upon the extent to which the text does not prejudice the legal position of States on questions relating to the law of the sea, and upon what reasonable opportunity it will afford to all States to apply the system of verification while at the same time protecting them against the possibility of abuse. The co-authors, in their last text (CCD/269/Rev.2), have gone a long way towards meeting those requirements — a worthy and not at all an easy task, which we greatly appreciate. Several proposals and suggestions put forward both here and in the First Committee by a number of delegations, including the delegation of the United Arab Republic, have been fully or partially incorporated in the text. We are particularly gratified that the disclaimer clause is now provided for in a separate article, and that the text now clearly defines the maritime

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zone exempted from the prohibition as a twelve-mile zone. Those were among the suggestions which we made in our statement on 23 October last year (CCD/PV.445, para. 120).

43. The present draft, as revised, nevertheless leaves open certain questions to which I now wish to address myself. In embarking on such an endeavour I wish to be guided by our common objective, that is, to present to the next session of the General Assembly a draft treaty capable of enlisting as wide international support as possible. To achieve that end I believe we have a collective responsibility.

44. I should like to begin by joining with others in urging the co-authors to agree to incorporate in the provisions of the treaty a pledge to pursue further negotiations on a more comprehensive prohibition of the use of the sea-bed for military purposes. The Swedish working paper (CCD/271) has given expression to the position of a number of delegations in this Committee on that point, and was widely supported during the disarmament debate in the First Committee at the last session of the General Assembly. The inclusion of such a pledge among the provisions of the treaty would accord with the general principle enunciated in the preamble to the draft treaty, where the States parties to the treaty would express their conviction "that this Treaty constitutes a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race", and their determination "to continue negotiations concerning further measures leading to this end".

45. From those words of the preamble to the draft it becomes clear that the importance of the treaty does not lie solely in the commitment by States parties to the treaty to refrain from emplacing nuclear weapons on the sea-bed, but lies also in the fact that it would initiate a process of demilitarization which would grow parallel with man's exploration and exploitation of the sea-bed for peaceful purposes. The insertion of a pledge to pursue further negotiations for a more comprehensive prohibition would therefore be in response to this generally-sought objective. In this connexion I should like to quote from your statement, Mr. Chairman, on 23 April in which you said:

> "This new international agreement can and must become an important stage towards the next step, which will completely exclude the sea-bed and the ocean floor from the sphere of the arms race. It will help to create more favourable conditions for working out and reaching agreement on further measures designed to bring about the end of the arms race and disarmament." (CCD/PV.467, para. 5)

Mr. Yost, speaking on behalf of the United States in the First Committee at the last session of the General Assembly, said:

> "I have stressed that the present draft sea-bed treaty constitutes a limited step but one that is worth while. I need scarcely add that prospects for further

(Mr. Khallaf, United Arab Republic)

measures of arms control relating to the sea-bed would not be foreclosed by the present draft treaty." (A/C.1/PV.1691, provisional, p. 22)

What many of us seek here is, in fact, no more than the transference of that idea to the provisions of the treaty, for its future realization.

46. In addition to that, the delegation of the United Arab Republic wishes to support the suggestion made on behalf of the Polish delegation by Mr. Zybylski at the meeting of the Committee on 18 June — namely, to keep on the agenda of the Conference the question of the demilitarization of the sea-bed (CCD/PV.471, para. 9).

47. The revision of the draft has been most substantial in article III. The efforts of the co-authors in this respect have been widely appreciated in this Committee. Two main points, however, still call for comment.

48. The first deals with verification procedures. At the outset, I think we can agree on the importance of maintaining a distinction between questions which are related to and, indeed, are discussed within the framework of the Committee on the Peaceful Uses of the Sea-Bed, and those which are related to verification of the sea-bed treaty. I have in mind in particular the question of establishing international machinery in connexion with international co-operation in the peaceful uses of the sea-bed. The United Arab Republic has made known its views on this question in the sea-bed Committee and in the First Committee of the General Assembly. In our view it would be advisable not to mix the concept of international machinery for peaceful purposes with verification aspects of the sea-bed treaty, at least at a stage when work on the disarmament aspect and work on the aspect of peaceful international co-operation concerning the sea-bed are still proceeding in parallel currents and have not merged into one single stream.

49. Thus, confining ourselves to the verification aspect of the present sea-bed treaty, members of the Committee will recall that the United Arab Republic, together with other delegations, has striven to insert in the present draft a provision which allows for verification through an appropriate international agency or arrangement, when that becomes feasible. It has been our hope that such a broad formula, which leaves the door open for the future evolution of any appropriate international arrangement, would prove acceptable to the co-authors. However, we are all well aware that this has not been the case. If such a position still prevails, we continue, nevertheless, to hope that the idea will be favourably considered by the review conference.

50. Furthermore, there can be no doubt as to the right of States parties to the treaty to avail themselves of existing possibilities under the United Nations Charter to seek compliance with and strict application of the treaty.

(Mr. Khallaf, United Arab Republic)

51. I turn now to a particular point raised by my delegation in my statement on 23 October 1969, in which I commented on the first revised draft. In dealing with the stage of consultation and co-operation provided for in article III, I concluded by saying that:

"Although this provision may be of some benefit, nevertheless we believe that on practical grounds we should not overestimate the service it could render, especially in circumstances where relations between States do not allow for its normal implementation." (CCD/PV.445, para. 132)

52. When introducing the second revised text of the draft treaty on 23 April, the Soviet representative — you yourself, Mr. Chairman — and the United States representative referred to that particular point, and I wish to quote what they stated on that occasion. Mr. Roshchin said:

"In referring to verification of compliance with the treaty, we realize that cases may arise in practice in which one or other State party to the treaty, for various political reasons connected with its relations with other countries and the international situation as a whole, will be unable to enter into the consultations provided for in article III of the draft treaty. We therefore think it should be made clear that the consultation among States parties to the treaty, provided for in article III, paragraph 2, with a view to removing possible doubts regarding compliance with the treaty, is not of course a prerequisite for the exercise by States parties of their right under paragraph 4 of the same article to refer the matter to the Security Council, in accordance with the provisions of the Charter of the United Nations, where there are serious grounds for doing so. Consequently, any State party to the treaty may apply directly to the Security Council without resorting to consultations". (CCD/PV.467, para.14)

On the same point Mr. Leonard stated:

"The procedures provided for in article III do not, of course, prejudice or limit the right of any State to apply directly to the Security Council in accordance with the provisions of the Charter of the United Nations." (Ibid., para.33)

Mr. Ignatieff referred on 28 April to those statements and said:

"We have also noted with interest and are in agreement with the statements made by the co-Chairmen concerning the right of direct access to the Security Council in the context of article III of the treaty." (CCD/PV.468, para. 5)

And Ambassador Vejvoda, the representative of Czechoslovakia, has just expressed the same opinion in his lucid statement.

(Mr. Khallaf, United Arab Republic)

53. We appreciate the statements of the representatives of Canada and Czechoslovakia and are gratified to note the authoritative interpretation given by the co-authors of the draft treaty, who are at the same time permanent members of the Security Council. It is in fact an expression of the established right of Member States under the United Nations Charter to bring to the attention of the Security Council any dispute or any situation which might lead to international friction. When recourse is had to the Security Council in such circumstances under the treaty, the Council would naturally act in such a manner as to help and facilitate the fulfilment of the successive stages of the verification process provided for in article III.

54. I wish, further, to point out that the sea-bed treaty cannot operate in isolation. It would operate within the context of the prevailing law. Consequently the operation of the treaty and the invoking of some of its provisions would be influenced by the whole system of international law.

55. On the other set of questions related to verification, namely those regarding the rights of coastal States beyond the maritime zone, I wish once again to commend the co-authors for the fact that the text is markedly improved in this respect. We believe, however, that a further attempt to insure the coastal State against any abuse of the verification procedures occurring in areas where it has sovereign or security rights, particularly on its continental shelf, would indeed induce many States to participate in the treaty.

56. I now wish to offer some comments on other provisions of the revised text, for the consideration of the co-authors. Article I, paragraph 2, was added in the first revised text (CCD/269/Rev.1) to assert that the prohibition extends to the maritime zone, with the exception of the coastal State. We notice, however, in the second revised text (CCD/269/Rev.2) the addition of some other words, namely "either ... or to the sea-bed beneath its territorial waters". Those words were properly used in the working paper submitted by Argentina (A/C.1/997) to propose a different scope for the exemption from the prohibition. Taken in the context of the present draft, however, they may introduce an element of ambiguity as to the limits of the prohibition and the exemption therefrom, and they certainly do not contribute to the clarity of the text.

57. On another score, article VIII of the draft is new. It is a welcome addition, and credit for it goes initially to Mexico. It seeks to assert that the obligations assumed by the States parties to the treaty under other legal instruments establishing zones free from nuclear weapons would not be affected by the sea-bed treaty. We feel

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that this provision should also be expanded so as to assert that the treaty would equally not affect the obligations of States under other legal instruments on nuclear disarmament or arms control. We have in mind particularly the non-proliferation Treaty (ENDC/226*). It may not have been necessary to make such an observation in the absence of the present article VIII, but the insertion of that article raises the question whether or not other treaties related to nuclear arms control could be affected by the sea-bed treaty. Naturally those treaties would be unaffected; but since the question has been raised it may be wise to leave no ambiguity about the answer.

58. In conclusion, I wish to express the hope of my delegation that the co-authors may find it both possible and indeed desirable to point in the preamble to the positive and direct impact which the sea-bed treaty would have on the promotion of the exploration and the exploitation of the sea-bed for peaceful purposes. Once again I wish to quote from the statement of Mr. Roshchin of 23 April:

> "Discussion of the draft treaty in our Committee and in the General Assembly has convincingly demonstrated that great importance is attached throughout the world to excluding the vast expanse of the sea-bed and the ocean floor, which constitute two-thirds of the earth's surface, from the sphere of the nuclear arms race. The solution of this problem has now become a vital and urgent matter because of the spectacular scientific and technological discoveries which have made it possible to begin the practical exploitation of the sea-bed and the ocean floor." (CCD/PV.467, para. 3)

Other delegations have expressed similar views. It should be appropriate and, it is to be hoped, will be possible to reflect this fact in the preamble to the draft treaty.

59. The CHAIRMAN (Union of Soviet Socialist Republics) (translation from Russian): I should now like to speak as representative of the Soviet Union.

60. In my statement today I shall deal with the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor. The three weeks that have elapsed since the resumption of the present session have shown that members of the Committee clearly desire to complete the preparation of the draft treaty at this session of the Committee so that the draft can be submitted to the United Nations General Assembly at its twenty-fifth anniversary session. We fully share that desire.

(The Chairman, USSR)

61. I should also like to say that, as the discussion in the Committee has indicated, the changes that have been made and the revised draft treaty of 23 April (CCD/269/Rev.2), on the whole, have the approval of the members of the Committee. A number of delegations have, however, put forward comments and amendments relating to the draft. Some of these were submitted earlier, at previous sessions of the Committee and at the twenty-fourth session of the General Assembly, while others are being advanced for the first time. Our general impression is that, although some of these proposals concern fairly important matters of principle, they do not affect the essence of the treaty.

62. Thus, some delegations are still pressing for the inclusion in the article on verification of a provision concerning international procedures and the good offices of the Secretary-General of the United Nations. The Soviet delegation would like to explain why it cannot accept that proposal.

63. As to the provision on international procedures and the good offices of the Secretary-General which has been suggested for inclusion in the sea-bed treaty, we should like to stress first of all that our opposition to the proposal is, of course, in no way connected with our attitude to the individual who now heads the United Nations Secretariat — the Secretary-General of the United Nations — whom we hold in high esteem. The sea-bed treaty is to be concluded for a term of many years, for decades, and our objections to the inclusion of a provision concerning the Secretary-General cannot therefore relate to the present incumbent of that post. Our approach to this proposal is based on the fact that the question of international procedures and the good offices of the Secretary-General forms part of a wider problem that goes beyond the scope of the draft treaty under discussion and cannot be settled in the Committee on Disarmament, which is concerned with questions within a clearly defined range.

64. We have no desire to involve the Committee in a discussion of topics outside its competence, but simply wish, in order to explain our position, to remind it of past occasions on which some Western Powers have tried to foist on the Secretary-General political functions designed to secure the adoption of a policy corresponding to their own narrow interests. Such a situation arose, for instance, during the events in the Congo and also in connexion with other international developments, and served to increase international tension and to undermine the position of those who headed the

(The Chairman, USSR)

United Nations Secretariat in the past. At the time, we made statements to that effect in the United Nations saying what we thought of such activities. We have also repeatedly pointed out that the geographical distribution and deployment of staff in the United Nations Secretariat is not, unfortunately, such as to inspire confidence that the interests of all the main groups of States are equally safeguarded. The present deployment of staff gives some Western Powers a certain advantageous position and in many instances enables them to pursue a policy which is not in the interests either of other States or groups of States or of international peace and security in general.

65. In reminding the Committee of our position on this question, we should like to stress once again that it can be solved only on a broad basis. In our opinion, therefore, it would be improper for the Committee to divert its attention to the discussion of this question in connexion with a measure such as a treaty on the prohibition of the emplacement of weapons of mass destruction on the sea-bed. That is why the Soviet Union cannot agree to the inclusion in the sea-bed treaty of a provision which might serve as a cover for attempts of all kinds by some Western countries to utilize international institutions in a manner detrimental to the interests of other States or groups of States and to international peace and security in general.

66. It must also be borne in mind that the establishment within the United Nations of a group to supervise observance of the sea-bed treaty would involve substantial and, in our opinion, unnecessary expense. Reference to this point has already been made today by the representative of Czechoslovakia and we are in complete agreement with him. We share his views on this point as well as on the whole question of a provision on international procedures and the good offices of the Secretary-General.

67. A solution to the problem raised by delegations proposing the inclusion in article III of a provision on international procedures and the good offices of the Secretary-General is in fact provided by the right accorded to States in the sea-bed treaty to refer questions concerning the observance of the treaty to the Security Council, which may take action in accordance with the United Nations Charter, and also by the right of verification which may be undertaken by a Party using its own means or with the full or partial assistance of any other State Party to the treaty.

(The Chairman, USSR)

68. Those who favour including a provision on international procedures in the article on verification say that such a provision is necessary as a starting-point for future international machinery to ensure the peaceful exploitation of the sea-bed and the ocean floor in the interests of all States. This idea was expressed, in particular, by Mr. Edelstam, the representative of Sweden, at the meeting on 25 June (CCD/PV.473, para. 50). The provision he favoured would prejudge, in the treaty prohibiting the emplacement of weapons of mass destruction on the sea-bed and the ocean floor, the solution of questions relating to a different problem being dealt with by the United Nations Committee to study the Peaceful Uses of the Sea-bed and the Ocean Floor. We believe that to attempt to use this treaty prohibiting the use of the sea-bed for military purposes for the solution of international problems not really directly related to the substance of this treaty would be to adopt an incorrect procedure conducive neither to the solution of such problems nor to the conclusion of the treaty. The limitation or prohibition of the military use of the sea-bed would, of course, have an extremely favourable effect on its peaceful use. The draft treaty was prepared precisely with the future possibilities of the peaceful use of the sea-bed and the ocean floor in mind and in the interests of such use. The first preambular paragraph of the draft recognizes the common interest of mankind in the progress of the exploration and use of the sea-bed and the ocean floor for peaceful purposes. We believe that this form of words properly reflects the link between these aspects. My delegation notes with satisfaction that Mr. Khallaf, the representative of the United Arab Republic, also referred in his statement today to the inadvisability of "mixing" -- to use his term -- questions relating to verification of the non-utilization of the sea-bed for military purposes with questions relating to the peaceful use of the sea-bed. Here we fully agree with the position taken on this important matter.

69. We should also like to point out that, as a number of representatives have stated, it is realized that all the suggested amendments cannot be incorporated in the document we are preparing nor can all viewpoints be reconciled, because some of them are mutually exclusive. We share the view of Mr. Ortiz de Rozas, the representative of Argentina, who said in this Committee on 3 July:

> "... we should at least strive to produce an instrument representing an acceptable balance between the interests of the States participating in our negotiations." (CCD/PV.475/Add.1, para. 34)

(The Chairman; USSR)

70. It has also been proposed that we should again consider the possibility of including in the treaty an article on the need for further negotiations on a more comprehensive demilitarization of the sea-bed. The representatives of Mexico, Czechoslovakia and the United Arab Republic have spoken on this question. The position of the Soviet Union on the matter is well known to the members of the Committee. Having regard to the need to take the views of its partners in the negotiations into account, it agreed to such a provision being included in the treaty as a preambular paragraph. We share the view of Mr. Zybylski, the representative of Poland, who, on 18 June, urged the Committee to keep the question of the demilitarization of the sea-bed and the ocean floor on its agenda (CCD/PV.471, para. 9). It is our understanding that this proposal by the representative of Poland also has the support of the Swedish delegation, one of the delegations which initiated the proposal that an article on demilitarization should be included in the text of the treaty.

71. On 25 June, the delegation of Sweden further proposed the inclusion in the verification article of an additional provision, concerning the exclusive right of coastal States to verify the sea-bed zone between the limit of territorial waters, where the width of such waters is less than twelve nautical miles, and the twelve-mile limit (CCD/PV.473, para. 53). While fully recognizing the Swedish delegation's efforts to achieve the best possible assurance of strict compliance with the provisions of the treaty, we should like to point out that the existing wording of the draft treaty quite plainly excludes the possibility of any verification activity by States other than coastal State within the twelve-mile coastal zone. Article III, paragraph 1, for instance, contains the following statement:

> "In order to promote the objectives of and ensure compliance with the provisions of this Treaty, each State Party to the Treaty shall have the right to verify through observation the activities of other States Parties to the Treaty on the sea-bed and the ocean floor and in the subsoil thereof beyond the zone referred to in Article I ..." (CCD/269/Rev.2)

"Beyond the zone referred to in Article I" means beyond the twelve-mile coastal zone. Similarly other verification measures, including inspection, can only be undertaken beyond such a zone, since, according to article III, paragraph 2, such measures can be carried out only:

(The Chairman, USSR)

"If after such observation reasonable doubts remain concerning the fulfilment of the obligations assumed under the Treaty ..." (ibid.)

It follows that where "such observation" has not been carried out, other verification measures cannot take place.

72. But would that mean that, where the width of territorial waters is less than twelve nautical miles, the belt between the outer limit of such waters and the twelve-mile limit remains uncontrolled? In our view, article I, paragraph 2, which reserves the right of coastal States to undertake activities prohibited by the treaty within the zone referred to, presupposes that it is those States, i.e. the coastal States, that are to exercise control functions there. That is how we understand the matter.

73. In conclusion, we should like to stress once again that, on the whole, we assess favourably the desire of the States represented in the Committee for the speedy conclusion of the sea-bed treaty. We should like to point out in this connexion that this desire has been reflected in statements made not only by representatives in this Committee but elsewhere. We are gratified, for instance, that in the Soviet-Pakistan communiqué published on 26 June on the occasion of the visit to the Soviet Union of General Agha Muhammad Yahya Khan, the President of Pakistan, it was stated that the draft treaty prepared by the Committee on Disarmament corresponds to the interests of all countries of the world and should be presented to the United Nations General Assembly at its twenty-fifth session and then opened for signature.

74. The same desire was recorded in the Soviet-Swedish communiqué published on 20 June on the occasion of the visit to the Soviet Union of Mr. Palme, the Prime Minister of Sweden. That communiqué stressed the importance of the disarmament negotiations in Geneva leading to the speedy conclusion of the treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof.

75. I trust that we shall soon be able to complete our work on the treaty and that it will be duly submitted to the General Assembly of the United Nations at its twenty-fifth session.

76. Mr. IGNATIEFF (Canada): I know that it is not usual for anyone in the Conference of the Committee on Disarmament to take the floor without a prepared statement. However, I agree entirely with you, Mr. Chairman, that it is in the interest of the Committee to try to conclude its work on the sea-bed treaty as soon

(Mr. Ignatieff, Canada)

as possible; and as you were good enough to state your understanding of the question of the role of the Secretary-General under the Charter and under the draft before us, proposed to the Committee, I should like to take advantage of the presence of the Representative of the Secretary-General and also of Mr. Kutakov, who is of course an authority on the Charter and is the Under-Secretary in charge of Political and Security Council Affairs, to suggest that they may wish to consult with the Secretary-General, and that other delegations may wish to reflect on the reason why the Canadian delegation has raised, and insists on raising, the question of the role of the Secretary-General in regard to the sea-bed treaty.

77. The question arises under Articles 34 and 35 of the Charter. Article 34 says: "The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute — and surely the question of compliance or non-compliance with a treaty of such importance as one dealing with the non-emplacement of nuclear weapons on the sea-bed is something which could give rise, to say the least, to international friction or dispute — "in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security". Article 35 is even more relevant. It reads:

> "Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly."

78. I ask you, Mr. Chairman, and I ask the Representative of the Secretary-General and also the Under-Secretary-General, if there is any device whereby any signatory of the treaty or any Member of the United Nations could bring a situation that might arise under the question of non-compliance with the treaty to the attention either of the General Assembly when it is not in session or of the Security Council without reference to the Secretary-General? Surely the normal channel is through the Secretary-General.

79. I ask that this question be seriously considered and an answer given to this Committee, because it seems to me that we are just wasting our time in trying to avoid what I view as the clear obligations and rights of Members of the United Nations under the Charter, and particularly under Articles 34 and 35.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 476th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador A.A. Roshchin, representative of the Union of Soviet Socialist Republics.

"Statements were made by the representatives of Czechoslovakia, Mexico, the United Arab Republic, the Union of Soviet Socialist Republics and Canada.

"The next meeting of the Conference will be held on Thursday, 9 July 1970, at 10.30 a.m."

The meeting rose at 12.10 p.m.